

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV291-03-MU

HERBERT CHAVIS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA, JUDGE)
WILLIAM OSTEEN, STATE OF NORTH)
CAROLINA, MICHAEL T.W.BELL)
)
)
Respondent.)
)

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Reconsideration of the Court's Order dismissing his case (Document No. 2.) By the instant motion, Plaintiff asks this Court to reconsider the Order dismissing his Complaint for failure to state a claim for relief.

After conducting an initial review of Plaintiff's Complaint, this Court concluded that Petitioner had not stated a claim under § 2241 and dismissed his Petition (Document No. 2.) By the instant motion, filed on July 26, 2007, Plaintiff moves asks this Court to reconsider its previous Order. This Court declines to consider Plaintiff's motion as the basis for this Court's dismissal still stands and Plaintiff has not asserted any new claims that would alter the analysis of that Order. Therefore, Plaintiff's Motion for Reconsideration is denied.¹

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for

¹ To the extent that Petitioner is requesting that this Court construe his § 2241 Petition as a successive § 2254 Petition, this Court is without authority to do so because Petitioner has not been granted permission to file a successive petition by the Fourth Circuit Court of Appeals. Indeed, by Order dated 1/4/07, the Fourth Circuit denied Petitioner's request to file a successive petition. Finally, this is not the appropriate district for Petitioner to file a § 2254 petition.

Reconsideration (Document No. 6) is **DENIED**.

SO ORDERED.

Signed: August 22, 2007



Graham C. Mullen
United States District Judge

